IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1317 OF 2006

Shewantibai Mukund Patil & Ors. ...Applicants
V/s.
The State of Maharashtra. ...Respondent

Shri P.M. Chakurkar for Applicants.
Ms.S.D. Shinde, APP for the State.

CORAM : V.M. KANADE, J.

DATED : APRIL 7, 2006

P.C. :-

. This is an application for anticipatory bail filed by the applicants who have an apprehension that they are likely to be arrested in connection with an offence punishable under Sections 302, 498A read with Section 34 of the IPC.

. The brief facts are as under :-

2. Sometime in the year 2002, deceased Rajeshree alias Sarika got married to Sainath Mukund Patil @ Bhairaj and one daughter by named Ranu was born out of the said wedlock and she was eight months old when her mother died. The prosecution case is that the

applicants started harassing Rajeshree and demanded Rs.20,000/- from her soon after the marriage. However, this demand could not be satisfied by the parents of Rajeshree @ Sarika. Sarika had gone to meet her parents on 8th March, 2006 at 7 p.m. and informed them that Applicants no.4 to 7 had come to her matrimonial house alongwith the other applicants and they had assaulted her and had forced her to go to her parental house and was demanding Rs.20,000/-. It is alleged by the prosecution that on the next day i.e. on 9th March, 2006, applicant no.2 came alongwith police patil and one Tukaram Patil and had enquired about Rajeshree alias Sarika. The complainant informed applicant no.2 that she had left the house at 5 a.m. and had not returned. When the search was made, they noticed part of the saree of the deceased was floating on the water and further noticed that Sarika was lying in the bed of quarry water and some stones were also put on her saree. The police visited the spot and removed the dead body of Sarika from the water and they noticed injuries on her person and accordingly, an offence under Section 302 was registered against the applicants and her husband. The

Post Mortem was conducted and a report was given by the doctor in which he has given the list of injuries on the person of Sarika.

3. It is submitted that the applicants are the married sisters of the husband of the deceased Sarika and their matrimonial house is situated at far away. It was submitted that the doctor had given an opinion stating the cause of death as cardio respiratory failure due to shock, due to asphyxia, due to drowning. He submitted that this clearly indicated that the deceased had committed suicide. He submitted that injuries which were found on her person could not have been caused by any weapon but those injuries could have been caused as a result of fall of sharp stones.

4. It is not possible to accept the submission made by the learned Counsel for the applicants. The material which is collected by the police indicates that there are statements to the effect that applicants no.4 to 7 were seen in the house of the deceased on the previous night. The material on record makes out a prima facie

case of death being caused as a result of assault with stones. The other witnesses have stated regarding the demand of Rs.20,000/- which was made previously by the applicants. The Post Mortem notes also supports a case of the prosecution that the deceased was assaulted with stones and thereafter, she was pushed in the water. I have seen the injuries which were found on the person of the deceased which are noted in the post mortem notes. There are two injuries on the forehead and face. The first one has a circular wound of 1 and half inch in diameter. The second one is a contused half inch of length over the right eyebrow. There are 3 punctured wounds of injuries over her face. There is one injury over middle of upper lip about 1 cm. in diameter and is muscle deep. The second punctured wound is over the lower lip on right side of 1 cm. in diameter. The third punctured wound is over lower lip on the left side which is about 1 cm. x 1 cm. is circular muscle deep. Then, there is one CLW over the right elbow which is about 3 inch x half inch muscle deep. Then, there are two injuries over her thigh, one is punctured wound over her left thigh. There are three such wounds on the left

thigh and 2 punctured wounds over the right thigh. There is also one circular wound of 1 and half inch in diameter on her forehead which is scalp deep. All these injuries clearly indicate that she was assaulted possibly by stones, then was pushed in the water.

5. The complainant has also filed a affidavit to oppose the application for anticipatory bail. It is stated that applicant no.2 threatened his son on 20th March, 2006 that the complaint should be withdrawn otherwise the life of sons could be in danger. Accordingly, a complaint was lodged by them in respect of the said threat on 21st March, 2006.

6. Considering these facts and circumstances, in my view, no case is made out for grant of anticipatory bail.

. The application is, accordingly, dismissed.

(V.M. Kanade, J.)